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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/068,866	10/23/1998	KATSUAKIRA MORIWAKE	450108-4484	2773

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

JOSEPH, THOMAS J

ART UNIT	PAPER NUMBER
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2174

28

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/068,866

Applicant(s)

MORIWAKE ET AL.

Examiner

Thomas J Joseph

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 144, 146, 147, 149-152, 154, 156 and 158-163 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 144, 146, 147, 149-152, 154, 156 and 158-163 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 144, 146, 147, 149 – 152, 154, 156, and 158 – 163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingler et al. (US 5,404,316) and Burns et al. (US 6,014,137).

Claim 162 and 163:

Klingler teaches an editing system and method (col. 16, lines 57 - 70). Klingler teaches a plurality of modules for selectively performing one or more of editing, composing, and special effects processing on a plurality of clips to produce a first resultant clip, said modules being operable to perform processing on said first resultant clip to produce a second resultant clip (col. 16, lines 57 - 70). Klingler teaches indicating the type of processing performed thereon (fig. 3, #72, #70). The user selecting editing, composing, or applying effects to clips, taught by Klingler, is a method for indicating the type of processing performed thereon (col. 16, lines 57 - 70). Klingler teaches said indicia indicating the type of processing performed on said clips (fig. 3, #72, #70). Klingler teaches a table further identifying the second resultant clip produced as a result of processing performed on said first resultant clip (fig. 3, #72, #70). Klingler teaches display means for displaying a table of horizontally aligned rows and vertically aligned

columns subjected to said processing and producing said first resultant clip (fig. 3, #72, #70).

Klinger fails to teach having at least textual indicia identifying those clips subjected to said processing to produce said first resultant clip. Burns teaches a table including having at least textual indicia identifying those clips (fig 2a; col. 6, lines 30 – 42). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the table including having at least textual indicia identifying those clips subjected to said processing to produce said first resultant clip taught by Burns with the editing system and method disclosed by Klinger. Doing so enables the user to associate descriptive information with each clip.

Claims 144 and 154

Klingler provides a directory access for accessing data related to the various clips, effects, etc. (fig. 15, #214, #216). Such buttons suggest the presence of a database for accessing event and clip data. Klingler at least teaches or suggests, “further including a database for registering information for each of said plurality of clips” as cited by the Applicant.

Claims 146 and 156

Klingler teaches special effect operations and other editing functions (col. 16, lines 57 - 70). Such operations suggest a plurality of modules comprising, “an edit module for performing said editing processing said plurality of clips, a composite module for performing said composing processing of said clips, and a special effect module for performing special effect processing of said clips” as cited by the Applicant.

Claim 147

The technology taught or suggested in Klinger (fig. 15) by claim 146 represents the “wherein said display means displays a graphical user interface respectively representing said edit module, composite module, and said special effect module on a display” as cited by the Applicant. The Applicant fails to define the type of graphics or the type of display used in the displaying of these modules.

Claims 149 and 158

Klinger teaches a control means controlling said plurality of modules based on said information registered in said database (fig. 15, #214, #216). Any menu is a control means for controlling a plurality of models based on information registered in the database.

Claims 150 and 159

The preview area taught by claim 149 and suggested by Klinger suggest or teach a control means that updates the “content of a first resultant clip registered in the database, and updates content of resultant clips produced from the said resultant clip” as cited by the Applicant.

Claims 151 and 160

Klinger demonstrates moving of effect data into a “movie” or other entity representing a clip (col. 10, lines 30 – 40). This operation essentially overwrites content of a first resultant clip registered in the database with content of a new resultant clip, and updates the content of resultant clips produced from said first resultant clip.

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Claims 152 and 161

Klingler teaches a control means storing said overwritten content of said first resultant clips produced from said first resultant clip (col. 10, lines 30 – 40). All data must be stored in the database.

Response to Amendment

3. The Applicant cancels claims 143, 145, 148, 153, 155, and 157 then adds claims 162 and 163. The Applicant also amends 144, 146, 149, 150, 151, and 152.

Applicant's arguments with respect to claims 144, 146, 147, 149 – 152, 154, 156, and 158 – 163 have been considered but are moot in view of the new ground(s) of rejection.

Due to at least the above reasons, the 35 USC 103 rejections of claims 144 – 152 and 154 – 161 remains standing.


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached Monday through Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

tjj 
September 3, 2003

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100